

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

LUNAREYE, INC.,

PLAINTIFF

vs.

**AIRIQ INC., AIRIQ US, INC., and
CALAMP CORP.,**

DEFENDANTS.

§
§
§
§
§
§
§
§
§

NO. 9:07-CV-00113

Judge Ron Clark

JOINT MOTION TO SUSPEND DEADLINES

Plaintiff LunarEye, Inc., along with Defendants AirIQ Inc., AirIQ U.S., Inc., and CalAmp Corp. (collectively, “the parties”) hereby jointly move to suspend the deadline by which LunarEye must serve its updated infringement contentions and otherwise comply with P.R. 3-1 and 3-2, and the date on which the parties must comply with P.R. 4-2 and notify the Court if a claim construction hearing is required.

According to the Court’s July 30, 2009, Order Amending the Scheduling Order, the current deadline for LunarEye to comply with P.R. 3-1 and P.R. 3-2 is today, October 12, 2009. In addition, according to the Court’s July 13, 2009, Order Lifting Stay and Entering Amended Scheduling Order, the deadline for the parties to exchange preliminary proposed claim constructions and notify the Court if a Markman hearing is required is today, October 12, 2009.

The parties, however, are in the process of drafting a proposed, revised Scheduling Order consistent with an updated September 13, 2010, trial date. The parties anticipate modifications to the above deadlines as part of that proposed order. The parties further anticipate submitting that proposed order on or before this Friday, October 16, 2009. As such, the parties have agreed that the above deadlines should be suspended until the Court issues a revised Scheduling Order.

The parties accordingly respectfully ask the Court to suspend the deadline for LunarEye to serve its updated infringement contentions and otherwise comply with P.R. 3-1 and 3-2, the deadline for the parties to comply with P.R. 4-2, and the deadline for the parties to notify the

Court if a claim construction hearing is required until the Court issues a revised Scheduling Order.

Dated: October 12, 2009.

Respectfully submitted,

/s/ E. Armistead Easterby

E. Armistead Easterby
Texas State Bar No. 00796500
Federal ID: 20598
WILLIAMS KHERKHER
8441 Gulf Freeway, Suite 600
Houston, Texas 77017
Tel: (713) 230-2308/Fax: (713) 643-6226

**COUNSEL FOR PLAINTIFF LUNAREYE,
INC.**

/s/ Joel A. Kauth

Joel A. Kauth, Pro Hac Vice
joel.kauth@kppb.com
**KAUTH, POMEROY, PECK & BAILEY
LLP**
2875 Michelle Drive, Suite 110
Irvine, California 92606
Tel: (949) 852-0000/Fax: (949) 852-0004

J. Thad Heartfield
Texas Bar No. 09346800
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Tel: (409) 866-3318/Fax: (409) 866-5789

**ATTORNEYS FOR DEFENDANT
CALAMP CORP.**

/s/ Ramsey M. Al-Salam

Ramsey M. Al-Salam, Pro Hac Vice
ralsalam@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Tel: (206) 359-6385/Fax (206) 359-7385

Diane V. DeVasto
Texas State Bar No. 05784100
dianedevasto@potterminton.com
POTTER MINTON
110 North College
500 Plaza Tower
Tyler, TX 75702
Tel: (903) 597-8311/Fax: (903) 593-0846
**ATTORNEYS FOR DEFENDANTS
AIRIQ INC. AND AIRIQ US, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 12, 2009, a true and correct copy of the foregoing has been provided to the following via CM/ECF:

E. Armistead Easterby
WILLIAMS KHERKHER LLP
8441 Gulf Freeway, Suite 600
Houston, TX 77017

Joel A. Kauth
KAUTH, POMEROY, PECK & BAILEY LLP
2875 Michelle Drive, Suite 110
Irvine, CA 92606

/s/ Ramsey M. Al-Salam
Ramsey M. Al-Salam